IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 10038 of 2002

Between:

Paper Clipping of article published in TIMES OF INDIA daily news paper Dt.13/05/2002 under caption of "FOLUAIR CAUSING DISEASES IN RESIDENTS"

..... PETITIONER

AND

1.The Member Secretary, Andhra Pradesh Pollution Control Board, Maitrivanam, SR.Nagar, Hyderabad.
2.The Secretary, Secunderabad Cantonment Board,
Secunderabad.
3. The Commissioner, Municipal Corporation of Hyderabad
Tankbund, Hyderabad.
4.The Commissioner of Police, Twin Cities, Hyderabad.
5.The Secretary to Govt. of A.P., Environment Forests, Science & Technology Department, Secretariat, Hyderabad.
6.The Secretary to Govt. of A.P. Municipal Admn., Department
Secretariat, Hyderabad.
7.The District Collector, Rangareddy District at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the paper clipping dated: 13.5.2002, the High Court will be pleased to issue an order, direction or a writ, more particularly one in the nature of writ of mandamus calling for the records and remarks from the respondents, herein in and connected to:- Converting the eight acre land belonging to Secunderabad

Cantonment Board, adjacent to Brindavan Enclave in Bolaram into a garbage dump of more than 60-80 trucks unloaded everyday by the Municipal Corporation of Hyderabad and the constant burning of the garbage resulted in the area being covered with a blanket of fumes as the garbage being burnt includes carcassess, hospital wastes, etc., due to which children falling prey to diseases apart from forcing the residents to keep their home windows and doors closed, and to direct the concerned authorities to take steps to control pollution besides dumping of garbage in the eight acre land adjacent to the Brindavan Enclave in Bolaram and to pass such other order

Counsel for the Petitioner: NEWS ITEM

Counsel for Respondent No.1: Mr.S.V.Bhatt

Counsel for Respondent No.2: Mr.Y.V.Ravi Prasad

Counsel for Respondents 3 to 7: G.P. for Municipal Administration.

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

On the basis of news item, which appeared in the Times of India on 13.5.2002 under the heading “Foul air causing diseases in residents”, Writ Petition was registered as Public Interest Litigation. News item reveals that 125 families are residing at Brindavan Enclave near Bollaram Railway Station and their houses are surrounded by pungent smoke from the burning of garbage from the adjacent dump, due to which, children and other residents were suffering a lot.

After notice, direction was issued to the respondent-Board to have personal inspection carried out and also to submit a report. As per the reply of respondent-Board, first inspection was carried out on 16.5.2002. Heaps of garbage was found to have been dumped at the site. Certain directions were issued to the Secunderabad Cantonment Board under Section 33(A) of Water (Prevention & Control of Pollution) Amendment Act, 1988 and under Section 31(A) of Air (Prevention & Control of Pollution) Amendment Act, 1987. It is stated that Secunderabad Cantonment Board

thereafter proceeded to comply with directions and also sought further time to comply with the directions. Lastly, inspection was carried out on 5.7.2004 by the Pollution Control Board, and, it was observed that the quantum of garbage being dumped at the site has considerably been reduced to 2 to 3 trips a day, burning of garbage has been stopped, no fumes were observed at the dump site and there is covering of waste with inert debris. It is stated that the Pollution Control Board is now regularly monitoring the garbage dump site and is reviewing the situation with the Secunderabad Cantonment Board officials and ensuring compliance of the directions.

In view of the above, we close this Writ Petition with direction to the respondent-Pollution Control Board to continue monitoring of the site and whatever measures are required to be taken by the respondent-Cantonment Board, appropriate directions be issued for complying with the same in the interests of environment. No costs.

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DEVINDER GUPTA, C.J.

30.9.2004.

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C.V.RAMULU, J.

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To

1.The Member Secretary, Andhra Pradesh Pollution Control Board, Maitrivanam, SR.Nagar, Hyderabad.
2.The Secretary, Secunderabad Cantonment Board,
Secunderabad.
3. The Commissioner, Municipal Corporation of Hyderabad
Tankbund, Hyderabad.
4.The Commissioner of Police, Twin Cities, Hyderabad.

5.The Secretary to Govt. of A.P., Environment Forests, Science & Technology Department, Secretariat, Hyderabad.
6.The Secretary to Govt. of A.P. Municipal Admn., Department Secretariat, Hyderabad.
7.The District Collector, Rangareddy District at Hyderabad.

8. Two CCs to Govt. Pleader for Municipal Administration, High Court Buildings, Hyderabad (OUT).

9. Two CD copies.